

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

STANLEY L. JOHNSON,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:08-CV-1179-MLM
)	
DON ROPER,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner’s motion requesting appointment of counsel and an additional ninety (90) days in which to file a response to this Court’s September 10, 2008 order to show cause [Doc. #10].¹ The motion will be denied.

“A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case.” Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998). When determining whether to appoint counsel for an indigent litigant, the Court considers relevant factors, such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. Id.

After reviewing these factors in light of the procedural posture of this case, the Court finds that the appointment of counsel is not warranted at this time. This case is neither factually nor legally complex, and although petitioner complains that he does not “have a licensed paralegal to assist [him],” petitioner has not alleged that he is hindered from investigating the facts of this case. Consequently, the motion shall be denied without prejudice.

¹The Court notes that on September 18, 2008, petitioner was granted thirty additional days, up to and including November 10, 2008, in which to file a response to the Court’s order to show cause as to why this action should not be dismissed for failure to exhaust available state remedies.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion requesting appointment of counsel and an additional ninety (90) days in which to file a response to this Court's September 25, 2008 order to show cause [Doc. #10] is **DENIED** without prejudice.

Dated this 14th day of November, 2008.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE